

Bell Atlantic  
1300 I Street, N.W.  
Suite 400 West  
Washington, DC 20005

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July 28, 1999

RECEIVED



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Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street S.W.  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**Re: Request for Limited Modification of LATA Boundaries to Provide ELCS  
Between the Davenport Exchange and the CC Docket No. 96-159**

Dear Ms. Salas:

Bell Atlantic - Virginia hereby submits this request for a LATA boundary modification to provide Expanded Local Calling Service (ELCS) between the Davenport exchange and the South's Oakwood exchange.

In its order released July 15, 1997<sup>1</sup> ("Order"), the Commission established an ongoing process for requesting LATA boundary modifications to provide ELCS. This request is filed pursuant to the provisions contained in that order. Attached please find the support documentation required by the Commission to approve the requested modification.

Should you have any questions regarding this material, please do not hesitate to contact me at 202-336-7875.

Sincerely,

A handwritten signature in cursive script that reads "Stacy K. Chaney".

Attachment

cc: A. Gomez  
K. Schroeder  
A. Thomas

No. of Copies rec'd 21  
List ABCDE

<sup>1</sup> "In the Matter of Petitions for Limited Modification of LATA Boundaries to Provide Expanded Local Calling Service (ELCS) at Various Locations", CC Docket No. 96-159, released July 15, 1997.

**Request for Limited Modification of LATA Boundaries to Provide ELCS Between  
The Davenport and the Exchanges**

- (1) Type of Service  
Traditional Local Service, Non Optional ELCS
- (2) Direction of Service  
Two-way
- (3) Exchanges Involved  
ELCS between Bell Atlantic - Virginia's Davenport exchange located in the Roanoke, Virginia LATA and the Oakwood exchange located in the Bluefield, West Virginia Independent Market Area ("IMA").
- (4) Name of Carriers  
Davenport - Bell Atlantic - Virginia  
Oakwood - GTE South
- (5) State Commission Approval  
The Virginia State Corporation Commission issued a Final Order on July 14, 1999 approving ELCS for this route. A copy of the Final Order is attached.
- (6) Number of Network Access Lines  
Davenport Exchange - 1,302  
Oakwood Exchange - 1,911
- (7) Usage Data  
Messages per main station per month  
    Davenport to Oakwood - 1.77  
    Oakwood to Davenport - 1.23  
  
Percent of subscribers making calls  
    Davenport to Oakwood - Data not available  
    Oakwood to Davenport - Data not available
- (8) Poll Results  
Davenport to Oakwood  
    Sixty percent of those responding voted for ELCS.  
Oakwood to Davenport  
    Public notice was provided to the Oakwood exchange customers via newspaper display advertisement. No comments or requests for a hearing were received.

(8) Poll Results (Continued)

ELCS Rate Increase - Davenport (Continued)

Residential

Flat Rate	\$ 0.20
Message Rate	\$ 0.14
Measured Rate	\$ 0.24
Economy Rate	\$ 0.09
Exchange Only Rate	\$ 0.79

Business

Flat Rate Line	\$ 0.67
Message Rate Line	\$ 0.21
Measured Rate Line	(\$ 0.03)
Flat PBX Trunk	\$ 1.01
Message PBX Trunk	\$ 0.21
Measured PBX Trunk	(\$ 0.03)

ELCS Rate Increase - Oakwood

Residential

Flat Rate	\$ 0.28
Lifeline Service	\$ 0.28
Exchange Only Svc.	\$ 0.20
Economy Measured	\$ 0.17

Business

Flat Rate	\$ 0.64
Flat Key Line Service	\$ 0.64
Flat Rate Trunk	\$ 1.45
Measured Single Line	\$ 0.42
Measured Key Line	\$ 0.42
Measured Trunk	\$ 0.42

(9) Community of Interest Statement

Davenport is a rural exchange with approximately 1,300 access lines located in Buchanan County in southwest Virginia. The Oakwood exchange, which is adjacent to Davenport, is also located in Buchanan County, but in a different LATA. The Oakwood exchange has approximately 1,900 access lines. With the exception of basic services, Oakwood customers must use services located in other exchanges. The Davenport exchange has several businesses that offer employment to nearby exchanges including Oakwood. These include several lumber and coal mining companies as well as a trucking company. Retail services available in Davenport include two banks, a medical laboratory, a family drug store, a medical clinic, several food stores, a restaurant, a video store and an appliance store. A Virginia maximum security prison is located in the Oakwood exchange and provides employment in the area including Davenport. ELCS would allow local communication between these adjacent areas for commercial and employment issues. ELCS would also address personal community of interest issues such as calling between friends, relatives and churches. The data outlined above, the results of the Davenport customer survey and the results from the Oakwood public notice support community of interest between these two adjacent exchanges.

(10) Maps

Maps are attached for the Davenport and Oakwood exchanges.

(11) Other Pertinent Information

Chronology

On June 2, 1998, Bell Atlantic - Virginia's Davenport exchange subscribers petitioned the Virginia State Corporation Commission for ELCS to GTE South's Oakwood exchange. The Commission directed Bell Atlantic - Virginia to determine the change in monthly rates to provide ELCS from Davenport to Oakwood. Bell Atlantic - Virginia surveyed all of its Davenport subscribers regarding their willingness to pay the additional rates. Sixty percent of the subscribers responding voted favorably.

The Commission then directed GTE South to determine rates for ELCS calling from Oakwood to Davenport. GTE South provided public notice via newspaper display advertising to its Oakwood customers. No comments or requests for hearing were received.

Chronology (Continued)

Both the survey and the public notice met the requirements as outlined in Section 56-484.2 of the Virginia State Code. The results of the survey met State Code requirements for implementation.

On July 14, 1999, the Virginia State Corporation Commission issued a Final Order approving ELCS between Davenport and Oakwood.

Virginia State Code, Section 56-484.2

This section of the Virginia State Code allows customers to petition the State Corporation Commission for ELCS. A copy of this section is attached.

Attachments

Virginia State Corporation Commission Public Notice Report of Alan R. Wickham in Case No. PUC990035

Virginia State Corporation Commission Final Order in Case No. PUC990035

Map of the Davenport exchange

Map of the Oakwood exchange

Virginia LATA map

Virginia State Code, Section 56-484.2

Davenport  
to  
Oakwood

ELCS

DOCUMENT CONTROL

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**COMMONWEALTH OF VIRGINIA  
STATE CORPORATION COMMISSION  
DIVISION OF COMMUNICATIONS**

**PUBLIC NOTICE REPORT OF  
ALAN R. WICKHAM**

**PUC990035**

**APPLICATION OF GTE SOUTH INCORPORATED  
TO IMPLEMENT EXTENDED LOCAL SERVICE  
FROM ITS OAKWOOD EXCHANGE TO  
BELL ATLANTIC - VIRGINIA INC.'S DAVENPORT EXCHANGE**

**June 28, 1999**

**APPLICATION OF GTE SOUTH INCORPORATED  
TO IMPLEMENT EXTENDED LOCAL SERVICE  
FROM ITS OAKWOOD EXCHANGE TO  
BELL ATLANTIC - VIRGINIA INC.'S DAVENPORT EXCHANGE**

**CASE NO. PUC990035**

**BACKGROUND**

Bell Atlantic – Virginia ("BA-VA") surveyed its Davenport exchange customers for Extended Local Service ("ELS") into GTE South Incorporated's ("GTE") Oakwood exchange in response to a customer petition filed pursuant to Virginia Code Section 56-484.2. ELS is flat rate two-way calling between two or more exchanges on a seven digit dialing basis. The result of the poll was as follows:

Total Ballots Mailed	1,221
Customers Responding	437 (35.8%)
Number of Responses:	
Yes	264 (60.4%)
No	173 (39.6%)

The proposal for ELS from the Davenport exchange into the Oakwood exchange met the polling requirements of § 56-484.2.

On March 2, 1999, GTE filed an application pursuant to provisions of § 56-484.2 proposing to notify its customers in the Oakwood exchange of the increases in monthly rates that would be necessary for extending their local service to include the Davenport exchange.

The Commission entered an Order Prescribing Notice of the application on March 30, 1999. The Company was ordered to publish notice in newspapers of general circulation in Oakwood. A poll was not required because the proposed rate increase for one-party residential customers does not exceed five percent of the existing one-party



monthly rate. Affected telephone customers were given until June 14, 1999, to file comments or request a hearing on the proposal.

On June 15, 1999, GTE filed proof of notice as required by the Commission's Order of March 30, 1999. Notice was published twice as display advertising in The Virginia Mountaineer. No comments or requests for a hearing were received.

### **PROPOSED RATE INCREASES**

Under this proposal, general monthly rates in the Oakwood exchange would increase as follows: flat rate residential service, \$0.28; residential Virginia Universal Service Plan service, \$0.28; residential measured exchange only service, \$0.20; residential measured economy message service, \$0.17; flat business rate service, \$0.64; business key line service, \$0.64; business flat rate trunk service, \$1.45; and business measured service: single line service, \$0.42; key line service, \$0.42; trunk service, \$0.42; and customer owned coin, \$0.64.

### **RECOMMENDATION**

Approval of GTE's application to implement ELS from its Oakwood exchange to BA-VA's Davenport exchange is recommended.

## DOCUMENT CONTROL STATE CORPORATION COMMISSION

AT RICHMOND, July 14, 1999

APPLICATION OF

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GTE SOUTH INCORPORATED

CASE NO. PUC990035

To implement extended local  
service from its Oakwood exchange  
to Bell Atlantic-Virginia, Inc.'s  
Davenport exchange

FINAL ORDER

On March 2, 1999, GTE South Incorporated ("GTE" or "the Company") filed an application with the State Corporation Commission ("Commission") pursuant to the provisions of § 56-484.2 of the Code of Virginia. GTE proposed to notify its Oakwood exchange customers of the increases in monthly rates that would be necessary to extend their local service to include the Davenport exchange of Bell Atlantic-Virginia, Inc. ("BA-VA"). Customers in the Davenport exchange previously had petitioned the Commission for local calling to Oakwood. In a poll conducted in response to the petition, the majority of Davenport customers responding to the poll supported paying higher rates for local calling to Oakwood. A poll of Oakwood subscribers in response to this application was not required under § 56-484.2(A) of the Code of Virginia because the proposed rate increase does not exceed 5% of the existing monthly one-party residential flat rate.

By order dated March 30, 1999, the Commission directed GTE to publish notice of the proposed increase. Affected telephone customers were given until June 14, 1999, to file comments or to request a hearing on the proposal. No comments or requests for hearing were received. On June 15, 1999, GTE filed proof of notice as required by the Commission's Order of March 30, 1999.

On June 29, 1999, the Commission's Staff submitted its report regarding the Company's application. The Staff recommended that GTE's application to implement extended local service from its Oakwood exchange to BA-VA's Davenport exchange be approved.

Accordingly,

IT IS ORDERED THAT:

(1) The proposed extension of local service from GTE South Incorporated's Oakwood exchange to Bell Atlantic-Virginia, Inc.'s Davenport exchange shall be implemented.

(2) The two companies shall file the tariff revisions necessary for the proposed extension of local service.

(3) Since there is nothing further to come before the Commission, this case is dismissed and removed from the Commission's docket of active cases.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: Stephen C. Spencer, GTE Service Corporation, Three James Center, Suite 1200, 1051 East Cary Street, Richmond,

Virginia 23219; Richard D. Gary, Esquire, and Michelle K. Walsh, Esquire, Hunton & Williams, Riverfront Plaza, East Tower, 951 East Byrd Street, Richmond, Virginia 23219-4074; Warner F. Brundage, Jr., Esquire, Bell Atlantic-Virginia, Inc., 600 East Main Street, 11<sup>th</sup> Floor, Richmond, Virginia 23219; Division of Consumer Counsel, Office of Attorney General, 900 East Main Street, Richmond, Virginia 23219; and the Commission's Office of General Counsel and Division of Communications.

A True Copy  
Tests:  
  
Clerk of the  
State Corporation Commission

## ARTICLE 4.

## Extension and Reduction of Telephone Service

**§ 56-484.2. Extension or reduction upon poll of certain subscribers.**

A. Upon petition of five percent but in no case less than twenty-five of the subscribers in an established telephone exchange for an extension or reduction of their local service area to include or exclude a contiguous local exchange or exchanges, or upon resolution of the governing body of a county for a countywide local service area, the Commission shall estimate the approximate change in the monthly rate for service which will result from such extension or reduction. In the case of a governing body resolution for countywide calling, the Commission, prior to estimating the approximate rate change, shall determine which exchanges within the county have a community of interest calling percentage that is fifty percent or greater in at least one direction to at least one other exchange within the county. The Commission shall then undertake to estimate the approximate change in the monthly rate for service that will result from such expanded local calling area for each such exchange. The Commission shall order the affected company or companies to poll those subscribers whose monthly rate for service would change if the proposed changes were adopted. However, polls shall not be required in the exchange or exchanges to which the petitioners desire an extension of local service if (i) any resulting rate increases in any twelve-month period do not, in the aggregate, exceed five percent of the existing monthly one-party residential flat rate service for the affected exchange to which the petitioners desire an extension of local service or (ii) any resulting rate increases in any twelve-month period, in the aggregate, exceed five percent solely due to rate regrouping. No more than one petition for a poll from the same group of subscribers or resolution from the governing body of a county shall be considered by the Commission during any three-year period. For purposes of determining the exchanges that will be polled pursuant to this subsection, "*community of interest calling percentage*" means the percentage of customers in an exchange that make one or more calls per month to another exchange within the county.

B. If a poll is required pursuant to subsection A and a majority of the subscribers are in favor of the proposed change, or if the Commission determines that a majority of subscribers voting are in favor of the proposed change, the Commission shall order the extension or reduction of their local service area. For the purposes of this section, the number of subscribers in an established telephone exchange shall be deemed to be the number of subscribers in an exchange as of January 1 of the calendar year when the petition is submitted to the Commission. Ballots polling subscribers on a proposed change in local service area shall be counted sixty days after being mailed and the results certified to the Commission.

C. If a poll is not required pursuant to subsection A, the Commission shall require notice to customers in exchanges in which polls are not required and shall convene a hearing on the proposed extension or reduction of the local calling area if the lesser of five percent or 150 of the customers within such exchanges request a hearing. The Commission may convene a hearing under this subsection on its own motion without regard to the number of customers who request a hearing.

D. Where the governing body of a county passes a resolution for a countywide local service area under subsection A and the poll for such service is defeated, the governing body shall reimburse the affected company or companies for the costs of the poll.

E. The Commission shall give the highest priority to petitions or resolutions presented under subsection A that involve exchanges in rural areas. (1976, c. 265; 1978, c. 232; 1985, c. 382; 1990, c. 339; 1993, c. 974; 1994, cc. 180, 347; 1995, c. 466.)

**The 1994 amendments.** - The 1994 amendment by c. 180, deleted the former next-to-last sentence in subsection A, which provided: "If subscriber polls are not required, the Commission shall proceed pursuant to the provisions of § 56-237.2"; and added subsection C.

1994 amendment by c. 347, in the first sentence of subsection B, deleted "that more than fifty percent of the subscribers have voted in the pool and" following "determines," and substituted "subscribers" for "those."

**The 1995 amendment,** in subsection A, inserted "or upon resolution of the governing body of a county for a countywide local service area" in the first sentence; added the present second and third sentences; inserted "or resolution from the governing body of a county" in the present sixth sentence, and added the seventh sentence; and added subsections D and E.